

2011 DRAFTING REQUEST

Bill

Received: **01/21/2011**

Received By: **pkahler**

Wanted: **As time permits**

Companion to LRB:

For: **Edward Brooks (608) 266-8531**

By/Representing: **John Flynn**

May Contact:

Drafter: **pkahler**

Subject: **Real Estate - plats**

Addl. Drafters:

Extra Copies:

Submit via email: **YES**

Requester's email: **Rep.Brooks@legis.wisconsin.gov**

Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

Topic:

Removing zoning authority in extraterritorial area

Instructions:

See attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	pkahler 01/27/2011	jdye 01/28/2011		_____			S&L
/1			phenry 01/28/2011	_____	mbarman 01/28/2011	sbasford 05/23/2011	

FE Sent For:

<END>

Handwritten:
A 11/10
9/13/2011

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1/?	pkahler	1/28 jld	ph				
FE Sent For:							
<END>							

Kahler, Pam

From: Shovers, Marc
Sent: Friday, January 21, 2011 2:21 PM
To: Kahler, Pam
Subject: FW: Drafting Request

Attachments: 11-07001.pdf

Hi Pam:

I think this one belongs to you.

Marc

From: Flynn, John
Sent: Friday, January 21, 2011 2:20 PM
To: Shovers, Marc
Subject: Drafting Request

Marc,

1. On behalf of Rep. Brooks I am requesting that Sections 4 – 6 of the attached draft (lrb 11-0700/1) be redrafted as a separate bill for introduction in the regular session.
2. Rep. Brooks, Terri Griffiths and I may be contacted with questions regarding this request.
3. This is not a rush.

Sincerely,

John Flynn
Legislative Assistant
Office of Rep. Ed Brooks
20 North State Capitol
Phone: 266.8531



11-07001.pdf (36
KB)

i.e. "remove the county land division
authority under s. 236.45 of any
lands that are subject to an
extraterritorial zoning agreement
between a town and city or
village"



State of Wisconsin
2011 - 2012 LEGISLATURE



LRB-070017

MES&PJK:jld:rh

11441

keep

2011 BILL

(in 1-27)

preparation ↓

✓

- 1 AN ACT *to amend* 59.69 (3) (b), 236.10 (1) (b) 3., 236.45 (2) (ac) and 236.45 (2) (b);
- 2 and *to create* 236.10 (4m) and 236.45 (2) (c) of the statutes; **relating to:**
- 3 changing the elements that must be included in a county development plan and
- 4 the authority of a county to approve certain plats and enact ordinances
- 5 governing certain land divisions.

Analysis by the Legislative Reference Bureau

Inclusion of municipality's master plan

Under current law, a county may create a county zoning agency, which is a policy-making body in the county that determines the broad outlines and principles governing the county's administrative zoning powers. The county agency may direct the preparation of a county development plan. Currently, if a county creates a development plan, the plan must include a master plan adopted by a city, village, or town (municipality).

Under this bill, the inclusion of a municipality's master plan in a county development plan is optional.

County's plat approval and land division authority

Current law specifies whether a city, village, town, or county has the right to approve or object to a plat (the map of a subdivision) or certified survey map. Generally, the location of the subdivision or land determines which local governmental unit or units have the right to approve the plat or certified survey map.

BILL

However, if a subdivision or land lies in the unincorporated area within three miles of the corporate limits of a first, second, or third class city, or within one and one-half miles of a fourth class city or village, the governing body of the city or village (municipality) has the right to approve the plat or certified survey map under its extraterritorial plat approval jurisdiction, as well as the board of the town within which the subdivision or land lies and the planning agency of the county within which the subdivision or land lies if the planning agency employs on a full-time basis a professional engineer, a planner, or another person charged with administering zoning or other planning legislation.

Also under current law, the area over which a municipality has extraterritorial zoning jurisdiction is the same area over which it has extraterritorial plat approval jurisdiction. The statutes provide a process whereby a municipality and the town in which the municipality has extraterritorial zoning jurisdiction form a joint committee, which consists of three municipal members and three town members, to review any district zoning plan and regulations that the municipality is proposing for all or part of the area within its extraterritorial zoning jurisdiction. The municipality may adopt a proposed plan and regulations only if a majority of the joint committee approve the proposed plan and regulations.

This bill provides that, if a subdivision that is the subject of a plat, or land that is the subject of a certified survey map, lies in the extraterritorial plat approval jurisdiction of a municipality, and a joint committee of the municipality and town within which the subdivision or land is located has approved a district zoning plan and regulations with respect to the area that includes the subdivision or land, the planning agency of the county within which the subdivision or land is located does not have authority to approve or object to the plat or the certified survey map. In addition, the bill prohibits a county from enacting any ordinance that governs the subdivision or other division of land located in an area of the extraterritorial plat approval jurisdiction of a municipality that is covered by a district zoning plan and regulations approved by a joint committee of the municipality and town within which the land is located.

For further information see the *state and local* fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. 59.69 (3) (b) of the statutes is amended to read:

59.69 (3) (b) The development plan ~~shall~~ may include the master plan, if any, of any city or village, that was ~~adopted~~ under s. 62.23 (2) or (3) and the official map, if any, of such city or village, that was ~~adopted~~ under s. 62.23 (6) in the county. If the development plan and map are included, they must be included without change.

BILL

1 **SECTION 2.** 236.10 (1) (b) 3. ^x of the statutes is amended to read:

2 236.10 (1) (b) 3. ~~The Except as provided in sub. (4m), the~~ county planning
3 agency if such agency employs on a full-time basis a professional engineer, a planner,
4 or ~~other another~~ person charged with the duty of administering zoning or other
5 planning legislation.

6 **SECTION 3.** 236.10 (4m) ^x of the statutes is created to read:

7 236.10 (4m) Except as otherwise provided in an agreement under sub. (4), sub.
8 (1) (b) 3. does not apply to, and a county does not have authority to approve or object
9 to, a plat of a subdivision, or a certified survey map of land, located in an area that
10 is within the extraterritorial plat approval jurisdiction of a municipality and that is
11 subject to an extraterritorial plan or regulations, or amendments thereto, adopted
12 by the governing body of the municipality under s. 62.23 (7a) (c).

13 **SECTION 4.** 236.45 (2) (ac) of the statutes is amended to read:

14 236.45 (2) (ac) ~~To Subject to par. (c), to~~ accomplish the purposes listed in sub.
15 (1), any municipality, town, or county that has established a planning agency may
16 enact ordinances governing the subdivision or other division of land that are more
17 restrictive than the provisions of this chapter, except that no ordinance may modify
18 in a more restrictive way time limits, deadlines, notice requirements, or other
19 provisions of this chapter that provide protections for a subdivider.

20 **SECTION 5.** 236.45 (2) (b) of the statutes is amended to read:

21 236.45 (2) (b) ~~This Subject to par. (c), this~~ section and any ordinance adopted
22 pursuant thereto shall be liberally construed in favor of the municipality, town or
23 county and shall not be deemed a limitation or repeal of any requirement or power
24 granted or appearing in this chapter or elsewhere, relating to the subdivision of
25 lands.

BILL**SECTION 6**

SECTION 6. 236.45 (2) (c) of the statutes is created to read:

236.45 (2) (c) 1. No county may enact an ordinance governing the subdivision or other division of land located in an area that is within the extraterritorial plat approval jurisdiction of a municipality and that is subject to an extraterritorial plan or regulations, or amendments thereto, adopted by the governing body of the municipality under s. 62.23 (7a) (c).

2. If a county has in effect on the effective date of this subdivision [LRB inserts date], an ordinance or resolution that is inconsistent with subd. 1., the ordinance or resolution does not apply and may not be enforced.

SECTION 7. Initial applicability.

(1) The treatment of section 236.10 (1) (b) 3[✓] and (4m)[✓] of the statutes first applies to preliminary plats or, in cases in which no preliminary plats are submitted, final plats, and to certified survey maps, that are submitted for approval on the effective date of this subsection.

(END)

Please print

LRB-1144 / 1 in

the Assembly

PK